BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting

October 19, 2010

<u>Call to Order</u>. A regular meeting of the Stafford County Board of Supervisors was called to order by Mark Dudenhefer, Chairman, at 1:00 P. M., Tuesday, October 19, 2010, in the Board Chambers, Stafford County Administration Center.

Roll Call The following members were present: Mark Dudenhefer, Chairman; Paul V. Milde III, Vice Chairman; Harry E. Crisp II; Gary F. Snellings; Cord A. Sterling; Susan B. Stimpson; and Robert "Bob" Woodson.

Also in attendance were: Anthony Romanello, County Administrator; Joe Howard, County Attorney; Marcia Hollenberger, Chief Deputy Clerk; Pam Timmons, Deputy Clerk; associated staff and interested parties.

<u>Presentation of a Proclamation to Recognize and Commend Charles A. Cooper, Recipient of the Joseph V. Gartlan, Jr. Award Mr. Crisp presented a proclamation to Mr. Cooper.</u>

Work Session: Discuss the Walton Group Mr. Dudenhefer began the discussion stating that the Walton Group, out of Scottsdale, AZ, was interested in a large parcel of land in the County, (the Sherwood Forest tract). Mr. Dudenhefer and Mr. Crisp, along with staff, the Commissioner of the Revenue, Mr. Scott Mayausky, and Ms. Barbara Decatur, Clerk

of the Circuit Court, met with Mr. Tim Terrell, Chief Operating Officer, Walton Development and Management Group.

Mr. Romanello reported that Brenda Schulte sent an update to the Board which gave references for the Walton Group from various locations where they currently own land. Mr. Romanello stated that the Walton Group owns approximately 60,000 acres in the United States and Canada. When asked "why here, why now", in the earlier meeting, Mr. Terrill reported that Stafford County scored in the top ten in fourteen (14) economic development and commercials areas except for one, affordability. The Walton Group was reportedly closing on a portion of the property on October 20th.

Mr. Dudenhefer said that he was appreciative of the matter of fact answers given by Mr. Terrill and that Stafford County was looking forward to working with the Walton Group.

<u>Work Session:</u> 1st <u>Quarter FY2011 Review and FY2012 Preview</u> Ms. Nancy Collins, Budget Division Director, gave a presentation and answered Board members questions.

Mr. Dudenhefer asked about the one-time \$149k credit from the Rappahannock Regional Jail. Mr. Romanello stated each of the participating localities got a share of \$300k which was distributed as bonuses to Jail employees. The amount credited was based on individual localities usage of jail facilities. Mr. Milde noted that he was in the minority, voting at the time against bonuses for Jail staff.

Mr. Milde asked about consideration of restoring \$1M to the Visitor's Center and Museum fund with money left over from construction of England Run Library. Mr. Romanello responded that a punch list would be closed out in a month or so. Mr. Dudenhefer asked that Mr. Milde's inquiry be added to the agenda at that time.

Mr. Dudenhefer inquired about the forecasted 10% increase in health insurance. Ms. Collins responded that they chose 10% as a median amount after being told to anticipate an increase of between 8% and 12%. Ms. Stimpson added that she heard from the Virginia Association of Counties (VACo) that an average 10% increase could be attributed to the Health Care bill.

Mr. Sterling talked about the \$15M increase in the School Division's budget and asked if local government would be expected to make up the gap. Mr. Woodson asked if that amount would come from County funds. Mr. Romanello stated that the amount predates the second round of Stimulus funds. Mr. Dudenhefer announced a joint meeting with the School Board, scheduled for 5:00 p.m., on Tuesday, November 30, 2010, and added that the School's FY2012 budget could be a topic for discussion at that time.

Mr. Sterling said that he could not stomach a 12% tax increase to fund the School's budget gap and suggested that the Superintendent find the savings internally or go to the people who cut their funding.

Mr. Woodson talked about FY2012 challenges and asked if any of those listed, such as OPEB, was mandated by law. Ms. Collins answered that the County's liability is reduced if OPEB is funded.

Mr. Milde said that in past budget reviews, the County saw that the School budget dilemma was coming and at that time, the School Division was encouraged to make adjustments internally to compensate for the time when Stimulus funds were no longer available. Mr. Milde said that Schools have not made adjustments and as a result, the County is faced with a huge problem even though it is not all the County's problem.

<u>Work Session: Economic Development Ten Point Plan Update</u> Ms. Stimpson presented the item and thanked Mr. Tim Baroody, Deputy County Administrator, for the excellent job he does and especially for his work with the Virginia Golf Trails which made an announcement earlier in the month about a new Golf Trail venture starting at Canon Ridge Golf Club.

Ms. Stimpson and Mr. Crisp will be joining staff on site visits to local businesses starting with Applied Rapid Technology and United Granite. Mr. Dudenhefer inquired about a link on the County's webpage to make information readily accessible to both local businesses and those out of the area who may be interested in relocating to Stafford.

Ms. Stimpson also mentioned an upcoming announcement planned for October 28th about job growth and increased tax revenue.

Mr. Crisp added that the Committee had been meeting each month with staff and at each meeting added another of the ten points to their agenda and discussion. Mr. Dudenhefer thanked Mr. Baroody for all the help he provides and also thanked Ms. Stimpson and Mr. Crisp for their participation in the Economic Development Ten-Point Plan Committee.

<u>Work Session: Stormwater Management Status Update</u> Mr. Keith Dayton, Director of Public Works, gave a presentation and answered Board members questions.

Mr. Steve Hubble, Environmental Programs Manager, also gave a presentation and answered Board members questions.

Mr. Sterling talked about prescriptive fees charged by the State yet they won't let the County set rates. Mr. Hubble noted that now they want 28% back but that rate is subject to change. Mr. Sterling asked what they are contributing to the process to deserve 28%. Mr. Hubble said that they provide oversight of other programs at no cost. Mr. Milde talked about his participation on the Potomac Watershed Roundtable and there being no tools to monitor or stop farmers and other agricultural polluters.

Ms. Stimpson talked about nutrient upgrades and whether the County's levels were voluntary or state mandated. Mr. Hubble said that they have worked with the Department of Conservation and Recreation (DCR) for the past six years to come up with nutrient management in Parks & Recreation facilities. Mr. Romanello said that nutrient upgrades are built into the maintenance budget and are required by the 2010 Chesapeake Bay Act. Mr. Milde noted that the next Chesapeake Bay Act will further reduce output from wastewater treatment plants which will require very expensive upgrades.

Ms. Stimpson said that Senator Stuart had supported legislation dictating that soils must be tested before fertilizing. Mr. Sterling asked how that could be enforced. Mr. Hubble said that fertilizers will be tested before being sold. Mr. Milde said that Prince William County incorporates charges for stormwater management into their real estate property

tax bills. Mr. Dudenhefer asked Mr. Hubble to keep the Board informed of future rules and regulations regarding stormwater management and thanked Mr. Hubble for doing a good job.

<u>Public Information; Recognize the Week of October 17-24, 2010 as National Teen Driver Safety Week</u>

Ms. Stimpson motioned, seconded by Mr. Milde, to adopt proposed Proclamation P10-30.

The Voting Board tally was:

Yea: (7) Stimpson, Milde, Crisp, Dudenhefer, Snellings, Sterling, Woodson

Nay: (0)

Proclamation P10-30 reads as follows:

A PROCLAMATION TO DECLARE OCTOBER 17-24, 2010 AS NATIONAL TEEN DRIVER SAFETY WEEK IN STAFFORD COUNTY

WHEREAS, motor vehicle crashes are the leading cause of death for adolescents and young adults in the United States, and many of these deaths are preventable; and

WHEREAS, each year, more than 5,000 teens (ages 16-20) are killed in passenger vehicle crashes; and

WHEREAS, young drivers are the least experienced and therefore traffic crashes involving them are most often the result of driver error such as speed, distraction and failure to observe driving regulations and conditions; and

WHEREAS, in 2004 the Board created a Youth Driver Taskforce to examine and make recommendations to improve safety for our teen drivers; and

WHEREAS, the Board, the Sheriff's Office, the Fire and Rescue Department, the School Division, the Courts, the Department of Public Works, the business community and the Virginia Department of Transportation have implemented many of the recommendations put forth by the Taskforce to ensure the safety of teens and drivers of all ages; and

WHEREAS, Congress has designated the third week of October each year as National Teen Driver Safety Week; and

WHEREAS, the Board desires to call to the attention of citizens everywhere the critical need to raise awareness of the unique issues surrounding teen drivers, and to promote safe driving among licensed teenagers;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 19th day of October, 2010 that the week of October 17-24, 2010 be and it hereby is declared National Teen Driver Safety Week in Stafford County.

Legislative: Additions/Deletions to the Regular Agenda

Mr. Sterling motioned, seconded by Mr. Crisp to add Item 3a. Discuss the Walton Group; Item 20. Discuss Regional Surface Transportation Program (RSTP); Item 21. Discuss FY2012 Revenue Sharing Program – Call for Letters of Intent; and Item 22. Public Information; Recognize October 17-24, 2010, as National Teen Driver Safety Week.

The Voting Board tally was:

Yea: (7) Sterling, Crisp, Dudenhefer, Milde, Snellings, Stimpson, Woodson

Nay: (0)

Legislative; Consent Agenda

Mr. Milde motioned, seconded by Mr. Woodson, to adopt the Consent Agenda consisting of Items 7 thru 17, omitting Item 15.

The Voting Board tally was:

Yea: (7) Milde, Woodson, Crisp, Dudenhefer, Snellings, Sterling, Stimpson

Nay: (0)

Item 7. Legislative; Approve Minutes of the October 5, 2010 Board Meeting

Item 8. Public Works; Authorize a Public Hearing to Amend and Reordain Stafford

County Code, Section 15-56 Entitled "Designation of Restricted Parking Areas"

Resolution R10-317 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO CONSIDER AMENDING AND REORDAINING STAFFORD COUNTY CODE SECTION 15-56 ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS"

WHEREAS, Section 46.2-1222.1 and 46.2-1224 of the Code of Virginia (1950), as amended, authorize the County to regulate or prohibit the parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, the Brentwood Estates Homeowners Association has approved a resolution requesting the establishment of a restricted parking area within the Brentwood Estates Subdivision and the resolution satisfies the requirements of County Code Section 15-56; and

WHEREAS, the Brentwood Estates Homeowners Association resolution requests that the following streets be designated restricted parking areas:

- (A) Grace Court;
- (B) Joseph Court;
- (C) Riverton Drive (southern terminus to 177' north of Grace Court/Joseph Court);
- (D) Whitestone Drive; and

WHEREAS, the proposed streets meet the established criteria to designate a restricted parking area;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of October 2010, that the County Administrator be and he hereby is authorized to advertise a public hearing to consider designating a restricted parking area within the Brentwood Estates Subdivision.

Item 9. Planning and Zoning; Authorize the County Administrator to Enter into an Agreement with Dominion Virginia Power

Resolution R10-311 reads as follows:

A RESOLUTION TO GRANT ENCROACHMENT BY STAFFORD COUNTY BOARD OF SUPERVISORS ONTO THE VIRGINIA ELECTRIC AND POWER COMPANY ("DOMINION VIRGINIA POWER") EASEMENT WITHIN THE

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) RIGHT-OF-WAY FOR STATE ROUTE 684, MINE ROAD

WHEREAS, the Board has requested Virginia Electric and Power Company ("Dominion Virginia Power") consent to an encroachment by the Board on, over, and/or under a part of the Dominion Virginia Power transmission right-of-way easements located within the right-of-way for State Route 684, Mine Road, property owned by Stafford County; and

WHEREAS, the request for this encroachment will have no known negative impact on current or future operations of the County; and

WHEREAS, the request for this encroachment is consistent with the County's Comprehensive Plan; and

WHEREAS, the request for these encroachment will be executed with a "Letter of Consent" between the Board and Dominion Virginia Power; and

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the day 19th of October 2010, that the County Administrator be and he hereby is authorized to agree to an encroachment with Dominion Virginia Power within the VDOT right-of-way for State Route 684, Mine Road.

Item 10. Planning and Zoning; Refer to the Planning Commission an Amendment to Section 22-190 of the Subdivision Ordinance Repealing the Street Access Requirements

Resolution R10-313 reads as follows:

A RESOLUTION TO REFER A COUNTY CODE AMENDMENT TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE, SECTION 22-190, "STREET ACCESS," OF THE SUBDIVISION ORDINANCE

WHEREAS, the Board desires to repeal Stafford County Code, Section 22-190, entitled "Street Access"; and

WHEREAS, the Virginia Department of Transportation (VDOT) has adopted secondary street acceptance regulations; and

WHEREAS, the Board desires to bring the subdivision ordinance into compliance with VDOT regulations; and

WHEREAS, the Board has considered the recommendations of the Planning Commission, staff, and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of October, 2010, that the Planning Commission be and it hereby is requested to consider repealing Stafford County Code, Section 22-190, entitled "Street Access," by proposed Ordinance O10-57; and

BE IT FURTHER RESOLVED, that the Planning Commission be and it hereby is authorized to make modifications to the amendment as it deems necessary.

<u>Item 11. Utilities; Award a Contract for Engineering Design Review and Quality Control</u> <u>for Rocky Pen Run Reservoir</u>

Resolution R10-318 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT FOR DESIGN ENGINEERING SERVICES FOR THE ROCKY PEN RUN RESERVOIR

WHEREAS, the County solicited proposals from qualified firms to provide engineering services for the design and construction of this reservoir; and

WHEREAS, Schnabel Engineering was chosen from Bid #323044 to provide value engineering, design review, and quality control during design for this project; and

WHEREAS, the original scope of services was completed, but due to overall project changes it is necessary to extend the scope of services; and

WHEREAS, Schnabel Engineering has proposed to continue to provide value engineering, design review, and quality control services through the final design phase of the project for \$185,000;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of October, 2010, that the County Administrator be and he hereby is authorized to execute a contract with Schnabel Engineering in an amount not to exceed One Hundred Eighty-five Thousand Dollars (\$185,000) for engineering services through the final design phase for the Rocky Pen Run Reservoir.

Item 12. Finance and Budget; Authorize a Public Hearing to Amend and Reordain Stafford County Code, Chapter 20, "Procurement Code"

Resolution R10-321 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 20, ENTITLED "PROCUREMENT CODE"

WHEREAS, Stafford County Code, Chapter 20, entitled "Procurement Code", is a lengthy series of articles and sections detailing local procurement regulations and policies; and

WHEREAS, the County desires to amend its Procurement Code to mirror the Virginia Public Procurement Act, Virginia Code § 2.2-4300 et seq.; and

WHEREAS, the State amends the Virginia Public Procurement Act to reflect current operating efficiencies; and

WHEREAS, amendments to the County Code require a public hearing; and

WHEREAS, the County would gain operating efficiencies by amending its Procurement Code to mirror the Virginia Public Procurement Act; and

WHEREAS, numerous other localities in the Commonwealth reference or adopt procurement in accordance with the VA Public Procurement Act;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of October, 2010, that the County Administrator be and he hereby is authorized to advertise a public hearing to amend and reordain Stafford County Code, Chapter 20, entitled "Procurement Code."

<u>Item 13. Public Information; Recognize and Commend Joseph L. Howard, Esq. Upon</u>
<u>His Retirement from Stafford County</u>

Proclamation P10-29 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND JOSEPH L. HOWARD JR., ESQ., COUNTY ATTORNEY, UPON HIS RETIREMENT FROM STAFFORD COUNTY

WHEREAS, Joseph L. Howard, Jr. has dedicated twenty-seven (27) years of his life to serving Virginia local governments; and

WHEREAS, Joseph L. Howard, Jr. has served as the County Attorney since 2005, as the foremost legal advisor for the Board of Supervisors and County staff; and

WHEREAS, Joseph L. Howard, Jr. is commended for numerous accomplishments as County Attorney, including his distinguished legal counsel on the successful preservation of 3,000 acres of Crow's Nest, which was selected as a "Gold Medal" winner in Virginia's 2010 Governor's Environmental Excellence Award program; and

WHEREAS, Joseph L. Howard, Jr. is noted for providing exceptional legal counsel in the establishment of the Hidden Lake Service District to help repair the Hidden Lake Dam and to maintain the lake, roads and other assets within the subdivision; and

WHEREAS, Joseph L. Howard, Jr. is currently a member of the Local Government Attorneys of Virginia, American Bar Association, the Fredericksburg Area Bar Association and the Stafford Rotary Club; and

WHEREAS, Joseph L. Howard, Jr. recently finished his term as Immediate Past President of the Local Government Attorneys of Virginia (2009-2010) and served as President (2008-2009), Vice President (2007-2008), Secretary-Treasurer (2006-2007); on the Board of Directors; and on numerous other committees; and

WHEREAS, Joseph L. Howard, Jr. has been actively involved in the International Municipal Lawyers Association where he served as the Virginia State Chair (2006-2007) and in the Local Government Section of the Virginia State Bar where he served as Chairman of the Section's Board of Governors Attorneys (2008-2009); and

WHEREAS, in addition to his many years of local government service, Joseph L. Howard, Jr. served on active-duty in the United States Marine Corps as a Judge Advocate General, serving as a prosecutor, defense counsel and judge; and as an Assistant Fairfax County Commonwealth's Attorney; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the selfless dedication with which Joseph L. Howard, Jr. has served Stafford County, other Virginia localities, the local government legal community, and his fellow Americans, and to commend him for his many years of distinguished public service;

NOW, THEREFORE BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 19th day of October, 2010, that the Board be and hereby does recognize Joseph L. Howard, Jr., Esq., for his outstanding service as Stafford County Attorney.

<u>Item 14. Public Information; Recognize and Commend Jane Conner for Her Service and</u>
Dedication to the Preservation of Government Island

Proclamation P10-28 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND JANE CONNER FOR HER CONTRIBUTIONS IN PRESERVING GOVERNMENT ISLAND

WHEREAS, Jane Conner has dedicated three decades to researching and aiding in the preservation of Government Island, an historic 18th and 19th century quarry site that provided Aquia sandstone for the construction of the White House and the U.S. Capitol in Washington, D.C.; and

WHEREAS, Jane Conner's diligence and historical narrative revealed the entire story of Government Island's quarrying, transporting, construction use, survival, restoration and preservation in connection with two of America's most well-known public buildings; and

WHEREAS, Jane Conner is commended for her keen sense of urgency in apprising County officials about preserving Government Island, which led Stafford County to purchase the island in August 1998; and

WHEREAS, Jane Conner's conscientious efforts resulted in Government Island becoming a park that will contain a boardwalk and a natural hiking trail, with interpretive signs to help depict its rich, nationally significant history; and

WHEREAS, Jane Conner testified before a Committee of the U.S. House of Representatives to gain national recognition for Government Island and served as the only Stafford County citizen on the Government Island Committee; and

WHEREAS, Jane Conner authored the book, Birthstone of the White House and Capitol, to ensure Government Island's history was preserved and memorialized; and

WHEREAS, Jane Conner was presented with the Daughters of the American Revolution National Conservation Medal (2003) and was recognized locally by the E. Boyd Graves Preservation Award from the Historic Fredericksburg Foundation, Inc. (1999) for her successful efforts in preserving a national historic landmark; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the selfless dedication with which Jane Conner has served Stafford County, and to commend her for her relentless efforts in ensuring Government Island is preserved and accessible for visitors today and for generations to come;

NOW, THEREFORE BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 19th day of October, 2010, that the Board be and hereby does recognize Jane Conner, for her outstanding efforts and service in the preservation of Government Island.

Item 16. This item was deleted from the agenda

Item 17. Parks, Recreation and Community Facilities; Authorize the County

Administrator to Renew a Contract with Columbia Gas

Resolution R10-327 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS WITH COLUMBIA GAS OF VIRGINIA

WHEREAS, the Department of Parks, Recreation and Community Facilities, is eligible for a government account fixed-rate agreement with Columbia Gas of Virginia; and

WHEREAS, pricing is set daily at the current market rate and with an agreement, is locked in for a one-year or three-year period; and

WHEREAS, the current agreement expires at the end of October, 2010, the market rate has fallen, and the County is now paying above-market prices; and

WHEREAS, Columbia Gas of Virginia has offered to reduce its rate to the current market price with a new one-year agreement;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of October, 2010, that the County Administrator be and he hereby is authorized to execute this and future agreements with Columbia Gas of Virginia, without Board approval, when it is determined to be financially advantageous to the County.

Item 15. Planning and Zoning; Initiate a Reclassification from R-1, Suburban Residential to B-2, Urban Commercial on Parcel 20-109C, Located on Dorothy Lane at Garrisonville Road

Mr. Woodson asked why the County was the applicant for this reclassification and asked who owns the property. Mr. Dudenhefer said that it was a sliver of property, surrounded by B-2 zoning, in the Garrisonville District which, when the road was shifted, was left in R-1 zoning. He added that a number of development projects have fallen through due to this small piece of land which is not economically viable as it is. Mr. Woodson asked about the value of the property. Mr. Sterling and Mr. Milde responded that it has no assessed value.

Mr. Dudenhefer motioned, seconded by Mr. Sterling, to adopt proposed Resolution R10-323.

The Voting Board tally was:

Yea: (6) Dudenhefer, Sterling, Milde, Crisp, Snellings, Stimpson

Nay: (1) Woodson

Resolution R10-323 reads as follows:

A RESOLUTION TO INITIATE AN AMENDMENT TO THE ZONING MAP REGARDING A 0.176 ACRE PORTION OF ASSESSOR'S PARCEL 20-109C, TO CHANGE ITS ZONING CLASSIFICATION FROM R-1, SUBURBAN RESIDENTIAL, TO B 2, URBAN COMMERCIAL, AND REFER THE AMENDMENT TO THE PLANNING COMMISSION FOR PUBLIC HEARING AND ITS RECOMMENDATIONS

WHEREAS, a 0.176 acre portion of Assessor's Parcel 20-109C is zoned R-1, Suburban Residential, and the remaining 0.97 acres is zoned B-2, Urban Commercial; and

WHEREAS, the Board has considered whether the 0.176 acre portion of Assessor's Parcel 20-109C should be rezoned from R-1, Suburban Residential, to B-2, Urban Commercial, so the zoning of the parcel is consistent and the 0.176 acre portion can be used; and

WHEREAS, the Board, pursuant to VA Code Section 15.2-2285, wishes to initiate the process for consideration of such a proposed zoning map amendment and to refer the proposed amendment to the Planning Commission for public hearing and its recommendations; and

WHEREAS, the Board believes that public necessity, convenience, general welfare and good zoning practices require review and public consideration of such a proposed amendment to the Zoning Map;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 19th day of October, 2010, that the proposed amendment to the Zoning Map be and it hereby is initiated and referred to the Planning Commission for its review and public hearing and its recommendation; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission be and it hereby is authorized to make modifications to the amendment as it deems necessary.

<u>Transportation Interim Report – List of Major Secondary Roads in Stafford County for VDOT's Review</u>

Mr. Milde motioned, seconded by Ms. Stimpson, to forward the list presented in the Board package to the Virginia Department of Transportation. This list of roads include: Belle Plains Road, Brooke Road, Courthouse Road East and West, Deacon Road, Eskimo Hill Road, Ferry Road, Garrisonville Road, Hartwood Road, Hope Road, Joshua Road, Kellogg Mill Road, Morton Road, Mountain View Road, Onville Road, Poplar Road, Ramoth Church Road, River Road, Rock Hill Church Road, Shelton Shop Road, Stefaniga Road, Telegraph Road, Truslow, Road, White Oak Road, Widewater Road, and Winding Creek Road.

The Voting Board tally was:

Yea: (6) Dudenhefer, Milde, Crisp, Snellings, Sterling, Stimpson

Nay: (1) Woodson

<u>Legislative</u>; <u>Discuss Regional Surface Transportation Program (RSTP)</u>

Mr. Dudenhefer said that RSTP was established by the federal government with stringent guidelines regarding funding for urbanized areas that exceed 200,000 in population. Areas with less than 200,000 in population are not eligible for RSTP funds. In the previous census, only a portion of north Stafford was considered "urbanized" and the money that went to FAMPO was to be spent in this area of the County. At some point, FAMPO established a policy that took funds earmarked for north Stafford and allocated it throughout FAMPO's entire region. Mr. Dudenhefer said that he believes that this violates the intent and letter of the law. The executive director of FAMPO believes that he has the right to distribute the money as was done due to an exception granted by the Federal Highway Association (FHWA) however no one has been able to locate the text of that exception. Mr. Romanello said that the amount is \$800,000 to \$900,000/year in RSTP funds.

Mr. Woodson asked how much the County lost. Mr. Romanello said approximately \$400,000. Mr. Sterling said that an analyst noticed the discrepancy and that the money should have been used in north Stafford. Mr. Dudenhefer said that parts of Stafford County are not in the urbanized area but benefited from the disbursement of the funds by FAMPO. Mr. Sterling said that the challenge is to define how the money was spent. Mr. Dudenhefer stated that he has e-mailed FHWA to notify them that FAMPO does not speak for Stafford County. Mr. Milde said that Mr. Lloyd Robinson wrote the opinion on how the funds were allocated.

Mr. Snellings asked for a list of other south-county projects that benefited from RSTP funds and stated that he was concerned that south Stafford may be in the same situation as other localities (like the City of Fredericksburg and Spotsylvania County) who benefited from FAMPO's disbursement of RSTP funds. Mr. Sterling noted that most projects were funded through MPO funds, not RSTP funds. Mr. Snellings asked if the County would have to pay back the money. Mr. Milde said that he believed that FAMPO would be responsible for the pay back. Mr. Milde wanted to reassure his constituents that the Brooke and Leeland Station projects would not be in jeopardy. Mr. Dudenhefer said

that while some money may come out of south Stafford, there will be substantial funding for north Stafford and it will all balance out eventually.

<u>Legislative</u>; <u>Discuss FY2012 Revenue Sharing Program – Call for Letters of Intent</u>

The Board asked Mr. Romanello to send a letter to Mike Estes with VDOT indicating the County's desire to participate in the FY2012 Revenue Sharing program.

<u>Legislative</u>; <u>Closed Meeting</u> At 2:51 p.m. Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Resolution CM10-23

The Voting Board tally was:

Yea: (7) Milde, Stimpson, Crisp, Dudenhefer, Snellings, Sterling, Woodson

Nay: (0)

Resolution CM10-23 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Stafford County Board of Supervisors desires to discuss in Closed Meeting Legal Advice regarding (1) Pending Litigation in DGF Land Co., et al v. Board of Zoning Appeals and Board of Supervisors et al v. DGF Land et al.; (2) Board of Zoning Appeals Decision related to Stafford Lakes Service Center (Route 17); (3) Board of Zoning Appeals Decision related to Chesapeake Stafford Associates LLC (Venture Dr.); (4) Potential Acquisition of Real Property for Public Purpose; and (5) a Personnel Matter regarding the County Administrator's Contract; and

WHEREAS, pursuant to Section 2.2-3711 A.1, A.5, and A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 19th day of October, 2010, be and it hereby does authorize discussions of the aforestated matters in Closed Meeting.

Call to Order At 3:39 p.m., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification Mr. Sterling motioned</u>, seconded by Ms. Stimpson, to adopt proposed Resolution CM10-23a

The Voting Board tally was:

Yea: (7) Sterling, Stimpson, Crisp, Dudenhefer, Milde, Snellings, Woodson

Nay: (0)

Resolution CM10-23(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON OCTOBER 19, 2010

WHEREAS, the Board has, on this the 19th day of October, 2010 adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 19th day of October, 2010, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Recess At 3:39 P.M., the Chairman declared a recess until 7:00 P.M.

Call to Order At 7:00 P.M., the Chairman called the meeting back to order.

Invocation Ms. Stimpson gave the Invocation.

<u>Pledge of Allegiance</u> Mr. Dudenhefer led the Pledge of Allegiance to the Flag of the United States of America.

Legislative; Presentations by the Public

The following persons desired to speak:

Jim Riutta - Comprehensive Plan / School Renovations

Becky Reed - UDAs

Dean Fetterolf - UDAs

Patricia Kurpiel - UDAs

Paul Waldowski - SWM/Water bills/UDAs/Open Gov't/Dumpsters

Focus Group Solutions - Programs offered
George Summers - Surplus / BPOL

Eric Herr - Comprehensive Plan

Keith Angle - Shared thoughts about life and his wife

Mr. Milde requested that staff provide answers to the following questions:

- 1. What 3000 pages did we produce?
- 2. Where did the number of \$1M or anything near it being spent on the Comprehensive Plan over the last four years come from?
- 3. Were there incomplete transportation submittals to VDOT?
- 4. Amount of money spent on a consultant.
- Are roads and services being required at the time of planning a UDA or can those be planned in conjunction with a UDA and be in place before a UDA develops.

<u>Utilities</u>; <u>Water Conservation Rate</u> Mr. Harry Critzer, Director of Utilities, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

The following person desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Woodson inquired about the impact of the conservation rate on the demand for water and asked about its effect on the Utilities Fund. Mr. Milde asked about the Utilities Commission vote. Mr. Critzer replied that it failed on a 3-3 tie. Talking about future possible voluntary water restrictions, Mr. Critzer said that pending the amount of rainfall, Rocky Pen Run Reservoir should operational by 2013. Mr. Crisp talked about peak water demand days and the stress it puts on the system yet staff recommended approval of this rate and recommended adoption of the proposed ordinance. Mr. Crisp asked if the County would have a problem with emergency rationing.

Mr. Woodson asked about the major concerns expressed by the Utilities Commission. Mr. Critzer responded that some of their concerns were that it may be a disincentive to keep sprinklers off; the rate should not be changed at the whim of one or two citizens; and why is the County reviewing rates again so soon after the last discussion.

Mr. Snellings talked about people who have sprinklers running when it is raining. He asked about the length of time for adjustments that Mr. Critzer is authorized to make. Mr. Critzer said that as reflected in Resolution R09-21, the length of time is 60 days. He also talked about water sensors on sprinkler systems.

Mr. Milde motioned, seconded by Ms. Stimpson, to adopt proposed Ordinance O10-50.

The Voting Board tally was:

Yea: (4) Milde, Stimpson, Dudenhefer, Sterling

Nay: (3) Crisp, Snellings, Woodson

Proposed Ordinance O10-50 reads as follows:

AN ORDINANCE TO AMEND AND READOPT THE WATER CONSERVATION RATE

WHEREAS, the Board is authorized to set reasonable fees and charges for public water and sewer service; and

WHEREAS, such authority can be found in Sections 15.2-2111, 15.2-2119, and 15.2-2122 of the Code of Virginia (1950), as amended; and

WHEREAS, Chapter 25 of the County Code authorizes the establishment of fees; and

WHEREAS, the Board desires to set the fees for these services commensurate with the cost of services provided by the County; and

WHEREAS, the Board desires to set the fees for these services to encourage the conservation of resources; and

WHEREAS, the Board has carefully considered the recommendations of the Utilities Commission, staff, and the testimony at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this 19th day of October, 2010, that the Board be and it hereby does state that the \$23.55 per thousand gallons water conservation rate tier for residential water usage of 26,000 gallons or more in a month be amended and readopted at the rate of \$13.00 per thousand gallons for the same water usage; and

BE IT FURTHER ORDAINED that all other rates contained in Ordinance O10-30, adopted on June 1, 2010, remain unchanged.

Public Works; Amend Stafford County Code, Chapter 15, Article III, Division 2 Entitled "Parking of Watercraft, Boat Trailers, Motor Homes, Camping Trailers, Commercial Vehicles, and Parking for Commercial Purposes on Public Highways" Mr. Keith Dayton, Director of Public Works, gave a presentation and answered Board members questions.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Snellings motioned, seconded by Mr. Woodson, to adopt proposed Ordinance O10-54.

The Voting Board tally was:

Yea: (7) Snellings, Woodson, Crisp, Dudenhefer, Milde, Sterling, Stimpson

Nay: (0)

Ordinance O10-54 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 15-56, ENTITLED "DESIGNATION OF RESTRICTED PARKING AREAS"

WHEREAS, Sections 46.2-1222.1 and 46.12224 of the Code of Virginia (1950), as amended, authorize the County to regulate or prohibit the parking on any public highway in the County, of any or all of the following: watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes; and

WHEREAS, the Board finds that regulating or prohibiting the parking of watercraft, boat trailers, motor homes, camping trailers, commercial vehicles, and the parking of motor vehicles, trailers, or semitrailers for commercial purposes on public highways serves the public health, safety, and welfare of the County and its citizens; and

WHEREAS, the Board adopted Ordinance O10-37, which established criteria for the designation of restricted parking areas; and

WHEREAS, Ordinance O10-37 contained language that could be misinterpreted to allow restrictions not specifically addressed by the provisions set forth in County Code, Section 15-56, and this language should be clarified; and

WHEREAS, the Cardinal Forest Homeowners Association has approved a resolution requesting the establishment of a restricted parking area within the Cardinal

Forest Subdivision and the resolution satisfies the requirements of Count Code, Section 15-56; and

WHEREAS, the proposed streets meet the established criteria to designate a restricted parking area; and

WHEREAS, the Board has conducted a public hearing in accordance with Sections 15.2-1427 of the Code of Virginia (1950), as amended; and

WHEREAS, the Board has carefully considered the recommendations of staff and the testimony at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this, the 19th day of October 2010, that Stafford County Code, Section 15-56, entitled "Designation of Restricted Parking Areas", be and it hereby is amended and reordained as follows, all other portions remain unchanged:

Sec. 15-56. Designation of restricted parking areas.

- (a) No person shall park or leave unattended any watercraft, boat trailer, motor home, or camping trailer on any public highway within any restricted parking area set forth in subsection (e) (f) of this section in violation of the terms of the restricted parking area.
- (b) No person shall park or leave unattended any commercial vehicle on any public highway in any residence district located within any restricted parking area set forth in subsection (e) (f) of this section in violation of the terms of the restricted parking area.
- (c) No person shall park any motor vehicle, trailer, or semitrailer for commercial purposes on any public highway in the county located within any restricted parking area set forth in subsection (e) (f) of this section in violation of the terms of the restricted parking area, except for (i) utility generators located on trailers and being used to power network facilities during a loss of commercial power, (ii) when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location; (iii) any federal, state, or local government vehicle that is parked while on government business; (iv) any federal, state, or local law enforcement or emergency vehicle; or (v) any school bus.
- (d) The entirety of the public highways located within any restricted parking area ereated under subsection (e) and set out in subsection (f) below shall constitute restricted parking areas and shall be subject to the provisions of this section.
- (e) Petition to create restricted parking area.
- (1) The board of supervisors may designate areas for restricted parking for watercraft, boat trailers, motor homes, camping trailers, and commercial vehicles, and the parking of any motor vehicle, trailer, or semitrailer for commercial purposes upon any public highway within the county if it deems appropriate upon:
- (A) The board's own initiative after a public hearing; or

- (B) Receipt of a petition addressed to the supervisor representing that election district and signed by a majority of the residents and/or owners of affected property and after a public hearing.
- (2) For the purposes of this subsection, "a majority of the residents and/or owners of affected property" shall mean:
- (A) The owners or residents of at least fifty-one (51) percent of properties with frontage on, immediately adjacent to, or within five hundred (500) feet of a road or any portion thereof proposed as a restricted parking area. The owners or residents of properties which do not have frontage, or are not immediately adjacent to such a road cannot be included in the computation unless their primary motor vehicle egress from that property is over a road or portion of a road proposed as a restricted parking area; or
- (B) The board of directors of a property owners' association having the power to enforce covenants on properties meeting the description set forth in subsection (e)(2)(A). A written request from the board of directors of such a property owners' association shall be construed as the petition of the owners of all properties under the control of the association meeting the description set forth in subsection (e)(2)(A), provided the request is accompanied by an approved resolution of the board of directors requesting establishment of a restricted parking area; reciting the terms and conditions of the parking restriction(s) to be sought; and stating that the request was approved by the board of directors in accordance with the association's bylaws and during a meeting that was held in conformance with any and all requirements of the association's bylaws. The resolution must be certified by the secretary of the property owners' association.
- (3) Each designation shall include a description of the restricted parking area and the terms of the restriction(s).
- (4) After the board of supervisors establishes a new restricted parking area under this subsection, the majority of the residents and/or owners of affected property submitting the petition shall make reasonable and good-faith efforts to notify residents and property owners in the new restricted parking area that (i) the new restricted parking area was established, and (ii) the geographical area included within the new restricted parking area, and (iii) the terms of the restriction(s) in the restricted parking area. However, the failure of a majority of the residents and/or owners of affected property submitting the petition to do so shall not affect the validity of the restricted parking area or the sheriff's ability to enforce this division.
- (5) The director of the department of planning and zoning or his designee, shall maintain maps of all restricted parking areas, and shall make the maps available for public inspection upon request. The maps shall also be made available and maintained on the County website.
- (f) The following constitute the restricted parking areas within Stafford County where the provisions of this ordinance are in full force and effect:
- (1) Cardinal Forest Subdivision on the following named streets:

- (A) Amber Court
- (B) Averil Court
- (C) Baldwin Court
- (D) Bedford Court
- (E) Bellamy Lane
- (F) Cardinal Forest Drive
- (G) Evanshire Drive
- (H) Gable Court
- (I) Lynchester Drive
- (J) Norfolk Street
- (K) Oliver Court
- (L) Pennsbury Court

<u>Presentation by Dr. Stephen Fuller Regarding the Comprehensive Plan – Fiscal and</u> Economic Analysis

Dr. Fuller began his presentation by summarizing his report. He stated that he believed that the economic side of his analysis will drive the answer to many of the Board's questions. Revenues and expenditures resulting from commercial development will determine how much residential development can be supported. He felt optimistic about the future of the County. Both the 2008 and 2010 draft Comprehensive Plans show ample land for development.

Mr. Sterling noted that the analysis shows employment doubling in the next 20 years and asked if that included Quantico? Dr. Fuller replied that it did not. It included private as well as non-profit agencies.

Mr. Crisp said that at an earlier meeting, he asked Dr. Fuller for a roadmap between Tables and he did not see it in Dr. Fuller's final report. Mr. Crisp made references to Tables 1, 14 and 15 and said that in the final analysis, one determining factor is quality of life issues.

Mr. Milde asked if personal property tax was considered in the analysis and Dr. Fuller said that it was. Mr. Dudenhefer thanked Dr. Fuller for his work, his impressive grasp of the facts and variables and said that the County may call on him again. Dr. Fuller responded that County staff made his work easy and wished the Board well in the future.

Ms. Stimpson said that it has been twenty-two years since the County passed a Comprehensive Plan and asked what the effect would be if voting on the 2010 Plan was put off. Dr. Fuller said that it creates uncertainty and investors like certainty and that how you welcome and treat commercial development is vital. He added that it could create the impression that the County does not have a clear sense of what they want.

Adjournment At 8:14 P. M. the Chairman declared the meeting adjourned.

Anthony J. Romanello, ICMA-CM County Administrator

Mark Dudenhefer Chairman